

Article - Health Occupations

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§12-202.

- (a) (1) The Board consists of twelve members.
- (2) Of the twelve Board members:
 - (i) Ten shall be licensed pharmacists, including:
 - 1. Two who at the time of appointment practice primarily in chain store pharmacies;
 - 2. Two who at the time of appointment practice primarily in independent pharmacies;
 - 3. Two who at the time of appointment practice primarily in an acute-care hospital;
 - 4. One who at the time of appointment practices primarily in a pharmacy that provides services to a long-term care facility;
 - 5. One who at the time of appointment practices primarily in a pharmacy that specializes in the provision of home infusion/home care services; and
 - 6. Two pharmacists at-large; and
 - (ii) Two shall be consumer members.
- (3) (i) The Governor shall appoint the chain store pharmacist members, with the advice of the Secretary, from a list of names submitted to the Secretary and the Governor by the Maryland Association of Chain Drug Stores.
- (ii) The Governor shall appoint the independent pharmacist members, with the advice of the Secretary, from a list of names submitted to the Secretary and the Governor by the Maryland Pharmacists Association and the Maryland Pharmaceutical Society.
- (iii) The Governor shall appoint the acute-care hospital pharmacist members, with the advice of the Secretary, from a list of names submitted

to the Secretary and the Governor by the Maryland Society of Health–System Pharmacists.

(iv) The Governor shall appoint the long–term care facility pharmacist member, with the advice of the Secretary, from a list of names submitted to the Secretary and the Governor by the Maryland Chapter of the American Society of Consultant Pharmacists.

(v) The Governor shall appoint the home infusion/home care pharmacist member, with the advice of the Secretary, from a list of names submitted to the Secretary and the Governor by the Maryland Society of Health–System Pharmacists.

(vi) The Governor shall appoint the at–large pharmacist members, with the advice of the Secretary, from a list of all names submitted to the Maryland Pharmacists Association, and then forwarded to the Secretary and the Governor.

(vii) Except for the at–large vacancies, the number of names on each list submitted to the Secretary and the Governor under this paragraph shall be three times the number of vacancies.

(4) For each pharmacist vacancy:

(i) The Board shall notify all licensed pharmacists and other interested parties of record in the State of the vacancy to solicit nominations to fill the vacancy and provide information for contacting a representative of the group that submits the list of names to the Governor under paragraph (3) of this subsection; and

(ii) Except for the at–large vacancies, each association that is responsible for submitting a list of nominees to the Secretary and the Governor under this section shall:

1. Issue a nomination form upon the request of any licensed pharmacist and consider all nominations received by the association’s deadline;

2. Form a committee, which recognizes diversity within the State in geographic distribution, sex, race, and age, comprised of at least five pharmacists to review nominations, interview all qualified nominees in a meeting open to the public, and select three names for each vacancy to be submitted to the Secretary and the Governor; and

3. In the event that fewer than three qualified nominees are submitted to the association, select any additional names that are needed to complete the list required to be submitted to the Secretary and the Governor under this section.

(5) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.

(6) Each member of the Board shall be a resident of this State.

(7) A member of the Board shall be recused from all aspects of the licensing exam if that Board member:

(i) Is a member of the board of trustees at a school of pharmacy;

(ii) Is a teacher at a school of pharmacy; or

(iii) Acquires the member's primary source of income through employment by a school of pharmacy.

(b) Each pharmacist member of the Board shall:

(1) Be skilled and competent in practicing pharmacy; and

(2) Have at least 5 years of active pharmacy practice.

(c) Each consumer member of the Board:

(1) Shall be a member of the general public;

(2) May not be or ever have been a pharmacist or in training to become a pharmacist;

(3) May not have a household member who is a pharmacist or in training to become a pharmacist;

(4) May not participate or ever have participated in a commercial or professional field related to practicing pharmacy;

(5) May not have a household member who participates in a commercial or professional field related to practicing pharmacy; and

(6) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

(d) While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

(e) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(f) (1) The term of a member is 4 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1981.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) To the extent practicable, the Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.

(6) A member may not serve more than 2 consecutive full terms.

(g) (1) The Governor may remove a member for incompetence or misconduct.

(2) Upon the recommendation of the Secretary, the Governor may remove a member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.

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